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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,282	07/22/2002	Guy Krippner	150070.402USPC	8714
500 7590 11/02/2007 SEED INTELLECTUAL PROPERTY LAW GROUP PLLC 701 FIFTH AVE			EXAMINER	
			BALASUBRAMANIAN, VENKATARAMAN	
SUITE 5400 SEATTLE, WA 98104		ART UNIT	PAPER NUMBER	
·	,		1624	
				·
			MAIL DATE	DELIVERY MODE
			11/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)				
	10/088,282	KRIPPNER ET AL.				
Office Action Summary	Examiner	Art Unit				
	Venkataraman Balasubramanian/	1624				
The MAILING DATE of this communication app		correspondence address				
Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATIO 16(a). In no event, however, may a reply be tively rill apply and will expire SIX (6) MONTHS fror cause the application to become ABANDON	N. mely filed n the mailing date of this communication. ED (35 U.S.C. § 133).				
Status						
1)⊠ Responsive to communication(s) filed on <u>13 Au</u>	ıgust 2007.					
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is						
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims						
- 4)⊠ Claim(s) <u>1,4-13,16,17,19-22,30 and 33</u> is/are pending in the application.						
4a) Of the above claim(s) is/are withdrawn from consideration.						
5)⊠ Claim(s) <u>1,4-13,16,17,19-22 and 33</u> is/are allowed.						
6)⊠ Claim(s) <u>30</u> is/are rejected.						
7) Claim(s) is/are objected to.						
8) Claim(s) are subject to restriction and/o	r election requirement.					
Application Papers						
9)☐ The specification is objected to by the Examine	r.					
10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) The oath or declaration is objected to by the Ex	aminer. Note the attached Offic	e Action or form PTO-152.				
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of:						
1. ☐ Certified copies of the priority documents have been received.						
2 Certified copies of the priority documents have been received in Application No						
. 3. Copies of the certified copies of the priority documents have been received in this National Stage						
application from the International Bureau (PCT Rule 17.2(a)).						
* See the attached detailed Office action for a list of the certified copies not received.						
·						
Attachment(s)	∆ □ ((DTO 442)				
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	4) Linterview Summa Paper No(s)/Mail					
3) Information Disclosure Statement(s) (PTO/SB/08)	5) Notice of Informal 6) Other:	Patent Application				
Paper No(s)/Mail Date 6) L Other:						

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DETAILED ACTION

Applicants' response, which included cancellation of claims 2, 15, 18, 23-27, 31, 32, and amendment to claims 1, 4-13, 16, 17, 19-22, 30 and 33, filed on 8/13/2007, is made of record. Claims 1, 4-13, 16, 17, 19-22, 30 and 33 are now pending.

In view of applicants' response, all 112 rejections and prior art rejections made in the previous office action have been obviated.

However, the following new ground of rejection necessitated by applicants' amendment is applied to claim 30.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 30 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 30 recites a pharmaceutical composition of the agent of claim 1 for which there is no written description in the specification. Note amended claim 1 is an agent comprising... while original claim 1 is a compound claim. Specification supports a pharmaceutical composition of a compound of original claim 1 but not an agent of

currently amended claim 1. Thus current amendment to claim 30 as introduced new matter.

Allowable Subject Matter

Claims 1, 4-13,16, 17, 19-22 and 33 are allowed as prior art search in the related area did not teach or suggest the agent of claim 1 and the method of use of the agent.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication from the examiner should be addressed to Venkataraman Balasubramanian (Bala) whose telephone number is (571) 272-0662. The examiner can normally be reached on Monday through Thursday from

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8.00 AM to 6.00 PM. The Supervisory Patent Examiner (SPE) of the art unit 1624 is

James O. Wilson, whose telephone number is 571-272-0661.

The fax phone number for the organization where this application or proceeding

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is assigned (571) 273-8300. Any inquiry of a general nature or relating to the status of

this application or proceeding should be directed to the receptionist whose telephone

number is (571) 272-1600. Information regarding the status of an application may be

obtained from the Patent Application Information Retrieval (PAIR) system. Status

information for published applications may be obtained from either Private PAIR or

Public PAG. Status information for unpublished applications is available through Private

PAIR only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR system,

contact the Electronic Business Center (EBC) at 866-2 17-9197 (toll-free).

Venkataraman Balasubramania

10/29/2007